

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-31641 - APPLICANT/OWNER: JUAN ELIAS

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3473) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/30/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a five-foot landscape buffer along the west and south perimeters where 15 feet is required.
5. A Waiver from Title 19.12.040 is hereby approved, to allow a one-foot landscape buffer along the north perimeter where eight feet is required.
6. An Exception from Title 19.10.010(J)(11)(e) is hereby approved, to allow a one-foot parking lot adjacency to the commercial building where a five-foot sidewalk, landscape planter, or combination of both is required.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: The species of trees and shrubs shall be indicated on a revised landscape plan.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed.

9. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. The existing rooftop mechanical equipment and duct work shall be screened from view from the existing right-of-way and neighboring properties, per Title 19.08.050(E)(4).
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveways accessing this site from Bonanza Road and 23rd Street. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first.
17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 1,498 square-foot office building conversion with Waivers to allow a one-foot landscape buffer along a portion of the north perimeter where eight feet is required and to allow a five-foot landscape buffer along the south and west perimeters where 15 feet is required on 0.15 acres at 2301 East Bonanza Road. The applicant obtained approval for a Rezoning (ZON-3473) on the subject property from R-1 (Single Family Residential) to N-S (Neighborhood Service) on 03/17/04, and is now requesting to convert the structure to an office building. Due to existing site constraints, existing building placement and parking requirements typical of residential-to-office conversions, the applicant has requested Waivers of the landscape buffer requirements. Staff can support the Waiver requests as they have been requested in order to accommodate required onsite parking. Additionally, all required landscape which has been displaced by the Waivers requested has been accommodated onsite within available areas; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/17/04	The City Council approved a request for a General Plan Amendment (GPA-3470) to Amend a portion of the Southwest Sector of the General Plan from L (Low Density Residential) to SC (Service Commercial) and a request for a Rezoning (ZON-3473) from R-1 (Single Family Residential) to N-S (Neighborhood Services) with a Waiver to allow a 68-foot wide lot where 100 feet is required on 0.15 acres adjacent to the northeast corner of Bonanza Road and Twenty-Third Street. The Planning Commission and staff recommended denial of these requests.
03/17/04	The City Council tabled a request for a Site Development Plan Review (SDR-3475) for a proposed commercial building and a Waiver of the perimeter landscaping requirements on 0.15 acres adjacent to the northeast corner of Bonanza Road and 23 rd Street. The Planning Commission and staff recommended denial of this request.
08/19/04	A Code Enforcement complaint (#20217) was processed for refuse/waste code, vehicular, weeds/grass, business license and unpainted/deteriorated surface code violations. The case was resolved 01/05/05.
02/24/05	A Code Enforcement complaint (#26348) was processed for weeds/grass code violations. The case was resolved 03/08/05.
08/02/05	A Code Enforcement complaint (#33184) was processed for refuse and waste, litter, weeds/grass and building code violations. The case was resolved 08/26/05.

03/06/06	A Code Enforcement complaint (#39006) was processed for vehicle, signage and weeds/grass code violations. The case was resolved 04/14/06.
09/12/06	A Code Enforcement complaint (#46169) was processed for vehicle code violations. The case was resolved on 10/17/07.
12/26/06	A Code Enforcement complaint (#48801) was processed for vehicle code violations. The case was resolved on 01/17/07.
05/22/08	The Planning and Development Department conducted a field check at 2301 East Bonanza Road, in which a business was observed operating from a building which had not yet received an approved Site Development Plan Review. The case was turned over Code Enforcement, who provided the property owner direction on submitting a Site Development Plan Review to the Planning and Development Department.
12/18/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #19/dc).
Related Building Permits/Business Licenses	
10/22/04	A building permit (#04020800) was issued for a door replacement. The permit received final approval on 10/27/04.
02/27/06	A business license (#A23-01964) was issued for a tax preparation service at 2301 East Bonanza Road. The license is still active.
06/22/07	A building permit (#22801) was issued for commercial driveways/curb cuts at 2301 East Bonanza Road. The permit received final approval on 07/31/08.
10/17/07	A building permit (#07002918) was issued for a freestanding sign. The permit received final approval on 11/21/07.
06/18/08	Business licenses (#P06-00835 and #P20-00196) for a digital photography studio and photography sales at 2301 East Bonanza Road were placed into pending status until a Site Development Plan Review has been approved.
Pre-Application Meeting	
10/20/08	A pre-application meeting was held with the applicant where the requirements for submitting a Site Development Plan Review were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	

Field Check	
11/06/08	A field check was performed by staff at the subject property. The site contained an unfinished concrete parking lot, minimally landscaped planters, some graffiti on the landscape curbs and a pole sign advertising a tax service and a photography studio. An 'open' sign was noted on the front door of the building.

Details of Application Request	
Site Area	
Gross Acres	0.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	SC (Service Commercial)	N-S (Neighborhood Service)
North	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Retail	L (Low Density Residential)	P-R (Professional Offices and Parking)
East	Shopping Center	O (Office)	C-1 (Limited Commercial)
West	Single-Family Residence	SC (Service Commercial)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	6,379 SF	N/A
Min. Lot Width	68 Feet*	68 Feet*	Y*
Min. Setbacks			
• Front	25 Feet	30 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	17 Feet	Y
• Rear	25 Feet	25 Feet	Y
Max. Lot Coverage	30%	23.4%	Y
Max. Building Height	15 Feet or a 3:1 Setback From Adjacent Residential	10 Feet	Y
Trash Enclosure	Screened, Enclosed	Curbside Garbage Pick-Up	Y**
Mech. Equipment	Screened	Unscreened	N***

* Rezoning (ZON-3473) was approved with a Waiver to allow a 68-foot wide lot where 100 feet is the minimum width required.

** The applicant has provided a letter from Republic Services stating that curbside garbage pick-up is acceptable at the subject location.

*** A condition has been added requiring the applicant to provide screening for the exposed rooftop mechanical equipment.

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	1 Tree	1 Tree	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	10 Trees	10 Trees	Y
TOTAL		11 Trees	11 Trees	Y
Min. Zone Width (Street Frontages) (North)	15 Feet 8 Feet		5 Feet 1-Foot	N* N*
Wall Height	6-8 Feet		6 Feet	Y

* The applicant has requested Waivers to allow a five-foot landscape buffer along the west and south perimeters where 15 feet is required and to allow a 1-foot landscape buffer along the north perimeter where eight feet is required.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Personal Service	1,498 SF	1/250 SF	5	1	5	1	Y
TOTAL	1,498 SF		6		6		Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
To allow a five-foot landscape buffer along the south and west perimeter	15-foot landscape buffer along the south and west perimeter	Approval
To allow a one-foot landscape buffer along a portion of the north perimeter	Eight-foot landscape buffer along the north perimeter	Approval

Exceptions		
Request	Requirement	Staff Recommendation
To allow a one-foot parking lot buffer between the parking area and building	A minimum five-foot wide landscape buffer, sidewalk, or combination of both	Approval

ANALYSIS

- **Land Use and Zoning**

The subject site is located within the Southeast Sector of the General Plan with a land use designation of SC (Service Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

The subject property is zoned N-S (Neighborhood Service). The purpose of the N-S (Neighborhood Service) district is to provide for the development of convenience retail shopping, service and professional offices principally serving neighborhood needs and compatible in scale, character and intensity with adjacent residential development. This district is intended to be located at intersections of streets designated as collector or larger. The N-S (Neighborhood Service) district should also be used as a buffer between residential and more intense retail/commercial uses. The N-S (Neighborhood Service) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **Site Plan**

The site is located at the northeast corner of Bonanza Road and 23rd Street. The site plan indicates an existing single-story 1,498 square-foot building which is located at roughly the center of the subject property. The existing structure is a 1,506 square-foot single-family residence, in which the applicant is proposing to remove a small portion of the western half of the structure to accommodate the parking area, creating a 1,498 square-foot commercial building. The remainder of the structure will retain the original footprint of the single-family residence and maintain all existing setbacks.

The site is accessed from two driveways, one fronting Bonanza Road and one fronting 23rd Street. The applicant is providing six parking spaces where six are required, including one handicapped van accessible space. The five standard parking spaces will be located on the west half of the lot, which will be accessed from a 24-foot wide driveway fronting 23rd Street. An existing, permitted freestanding sign is located between the two parking spaces which front Bonanza Road, reducing the width of one space from nine feet to eight feet, creating a singular compact parking space, which is compliant with Title 19.10.010(J)(2)(a).

The van accessible handicapped parking space will be located at the southeast corner of the site, and will be accessed via a 30-foot wide driveway fronting Bonanza Road. There does not appear to be sufficient room to allow for onsite maneuvering with this parking space, and the Public Works Department has requested that this parking area be redesigned so as not to allow onsite parking to back into the Bonanza Road public right-of-way. A condition has been added by the Public Works Department which requests the applicant to meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits. Staff notes that the site is limited in area in which to accommodate required parking, and access cannot be obtained from the existing alley to the east as the existing utility easements prevent access.

Additionally, the site plan indicates the proposed parking lot along the west side of the building and the handicapped parking space adjacent to the east side of the building will have a one-foot buffer between the building and the parking lot, where Title 19.10.010(J)(11)(e) requires a minimum five-foot landscape buffer, sidewalk, or combination of both. The applicant has requested an Exception to this requirement, in order to accommodate a five-foot landscape buffer adjacent to 23rd Street as well as to accommodate a 24-foot wide drive aisle within the western parking lot area. On the east side of the building, the stand alone handicapped parking lot occupies a majority of the width of the rear yard area, leaving little area for a buffer. Staff can support this request as the addition of a five-foot sidewalk or landscape buffer would reduce the already reduced five-foot landscape buffer width along 23rd Street, and lack of available area after accommodating the required van accessible handicapped space on the east side of the building prevents the required five-foot parking lot buffer from being placed.

- **Landscape Plan**

The landscape plan submitted depicts a five-foot landscape buffer along the south and west perimeters, adjacent to 23rd Street and Bonanza Road, and a one-foot landscape buffer along a portion of the north perimeter. The east perimeter is located adjacent to an existing alleyway. Title 19.12 does not require landscape or buffer zones adjacent to alleys and none are provided in this area. The applicant has requested a Waiver to allow a five-foot landscape buffer along the south and west perimeters where 15 feet is required, and to allow a one-foot landscape buffer along a portion of the north perimeter where eight feet is required in order to accommodate required parking per Title 19.04 and Title 19.10. Staff can support the Waiver request as the subject property is limited in room in which to accommodate the required parking.

Landscape material has been provided within the buffer zones which meet the requirements of Title 19.12 by providing a total of 11 trees where 11 trees are required. Any tree which has been eliminated due to a reduced landscape buffer width has been provided for elsewhere on site within available landscape areas. A total of four, five-gallon shrubs have been provided for each tree, and ground cover consisting of 7/8-inch rock will be provided. The plans do not indicate the proposed species of trees and shrubs; however, a condition has been included which requires the applicant to submit a revised landscape plan which indicates the proposed plant species.

- **Elevations**

The provided elevations for the proposed building indicate a single-story structure approximately 10 feet in height. The elevations indicate the structure will retain a single-family residential character, and will not receive substantial changes from its current appearance. The north, east, and west elevations will contain only windows while the south elevation, which fronts Bonanza Road, will contain two ingress/egress doors. The drawings indicate the building will have a stucco finish, and utilize a three-tone color scheme consisting of Frazee colors Honeywind, Elkhorn Cactus, and Greek Olive.

At the time staff performed a site visit to the subject property, it was noted that rooftop mechanical equipment is located on this structure, and a long run of ductwork was readily visible along the western portion of the roof. Title 19.08.050(E)(4)(c) requires mechanical equipment to be concealed from view of public rights-of-way and neighboring properties from street level within one hundred feet of the property boundary. A condition has been included which requires the applicant to provide screening for the existing rooftop mechanical equipment.

Floor Plan

The floor plan for the office conversion depicts two lobby areas, a photo studio, four offices and two restrooms. Both lobby areas will front Bonanza Road and utilize the two existing doorways, while the photo studio will be located at the center of the building. The north, east and west perimeters of the building will be lined with the four proposed private offices. Existing four and five-foot windows will be utilized around the perimeter of the building and the existing doorways fronting Bonanza Road will remain. The floor plan also indicates that the applicant will provide three-foot wide doorways to areas of the interior of the building accessible to the public and 30-inch doorways to non-accessible private offices.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is compatible with adjacent development and development in the area as the proposed use consisting of a Photography Studio will have a low impact on the existing neighborhood. The traffic generated from this use will be minimal in nature and not create a nuisance to the surrounding properties.

2. **“The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;”**

The proposed development is consistent with the requirements of the General Plan and generally consistent with the requirements of Title 19. The applicant has requested Waivers of the landscape buffer requirements in order to accommodate parking per Title 19.04 and 19.10, which staff can support as the subject property has a limited lot width in which to accommodate required parking.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site is accessed from Bonanza Road, a 100-foot Primary Arterial, according to the Master Plan of Streets and Highways, and 23rd Street, a 60-foot wide Local Street, according the Master Plan of Streets and Highways. The traffic generated from this development will be minimal and not have a negative impact on the surrounding neighborhood or adjacent roadways.

4. “Building and landscape materials are appropriate for the area and for the City;”

The building maintains a residential character with a stucco finish that is appropriate for the area as it is surrounded to the north and west by existing single-family residences. The landscape material was not indicated on the landscape plan; therefore staff cannot determine if the material is appropriate or not.

5. “Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”

The building elevations, design characteristics and other architectural features are not undesirable or obnoxious in appearance, as the building is similar in appearance to the surrounding single-family homes to the north and west. The mechanical equipment currently located on the roof is unsightly in appearance and a condition has been added requiring the applicant to provide adequate screening in compliance with Title 19.08.050(E)(4).

6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”

The proposed office building conversion will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction and renovations.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions on the record at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT

11

SENATE DISTRICT

2

NOTICES MAILED

292 by City Clerk

APPROVALS

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PROTESTS

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